

# **Declaration of the Association of the Waste Industry of the Slovak Republic**

## **Preamble**

The Association of the Waste Industry of the Slovak Republic (hereinafter referred to as "AWI SR") was established for the purpose of initiating and promoting effective and economical solutions for the sustainable development and competitiveness of the waste industry in the Slovak Republic.

Today, the Slovak Republic is one of the most underdeveloped countries in the European Union in terms of waste management. The public administration sector, which defines the boundaries of the entire sector, has long been understaffed. This is reflected in the preparation of legislation and strategic documents, which are weak because they lack expert analytical justifications and long-term predictions of their impact.

The rapid adoption and enforcement of significant legislative changes in order to catch up with developed European countries is accompanied by insufficient discussion with stakeholders, and decision-making processes thus lack consideration of their future impact on the economy and the overall stability of the existing waste management system.

AWI SR is interested in participating in a new waste management architecture that will create an efficient, sustainable, socially responsible and environmentally friendly model. We expect that the Ministry of the Environment of the Slovak Republic will accept a helping hand from those who are very sensitive to the application practice and ambitiously formulate starting points and trends for the future.

With the urgent need for a strong professional organization representing the widest possible spectrum of entities from the field of science and research, legal and professional advisors, municipal and industrial sphere and entities doing business in the waste industry, which will be a proficient partner of the Ministry of the Environment of the Slovak Republic in changing the sector and determining its direction, the AWI SR adopts this declaration:

## **Article I.**

### **Treatment of Waste before Landfilling**

Amendment to Act No. 460/2019 Coll. amending Act No. 79/2015 Coll. on Waste and on amendments and supplements to certain acts, as amended, was adopted without any significant society-wide discussion. It introduced mechanical biological treatment (MBT) of municipal waste before landfilling. To this day, neither the lay nor the professional public knows the exact volume targets for which this obligation was enacted. The lack of a multi-year in-depth analysis with yield calculations for diverting waste from landfills is not the greatest problem with this initiative.

The role of MBT is to reduce the volume of landfilled waste or reduce its hazardous properties (thereby limiting negative environmental impacts, in particular pollution of surface and groundwater, soil and air, including the greenhouse effect) to facilitate its

handling or to improve its recovery options, i.e. to divert it towards material recovery. In terms of value for money, MBT is the worse way of dealing with waste. Equipment such as shredders, sorters, etc. consume huge amounts of energy, thereby increasing operating costs (OPEX), not to mention the carbon footprint itself. On the other hand, further management of the waste streams thus obtained other than landfilling is highly questionable.

Analyses of the founding members of AWI SR of actually operated MBT lines abroad show that the outputs are at the level of 6% of recyclable waste. Apart from metals, no other waste stream produced in MBT is significantly recovered in terms of material.

Moreover, if statistically there is a 40% share of biodegradable waste in mixed municipal waste, then Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products is a "red card" for MBT. This is because the EU regulation prohibits the use of the biological component after sorting from mixed municipal waste in MBT for fertilisation or for the production of certified compost, as this component is contaminated with heavy metals, specific organic substances and microplastics.

It is more than certain that Slovakia will not be ready for the introduction of the obligation in 2023 for reasons such as the rapid adoption of the legislative obligation without wider discussion, the ongoing pandemic, lengthy EIA/construction permitting processes and the associated inability to draw EU funds, the significant extension of delivery deadlines, significant inflation, and rising input costs.

Without postponing the obligation, the waste management sector, with its significantly undersized energy recovery capacities, is at risk of real destabilisation. Although the legislation does not impose this obligation directly on landfill operators or collection companies, waste companies will try to accommodate their customers and partners, but in the worst case they will not be able to accept waste for landfilling due to the legal prohibition.

AWI SR therefore clearly declares the need to postpone the obligation to treat waste before landfilling until at least 2025 and at the same time demands that the conditions and procedures for treatment become the subject of a more in-depth expert debate.

## **Article II. Area-Wide Collection of Kitchen Biological Waste (KBW)**

The decisive criterion for the adoption of this legislative regulation in Slovakia was primarily the environmental aspect - prevention of the landfilling of biological waste = reduction in greenhouse gas production. Hygienic, health, economic, but also logistical arguments, were unfortunately, as in other legislative processes, noticeably absent in the non-existent expert debate.

The legislative process was very fast, without detailed analytical preparation, despite the fact that the EU-wide obligation to introduce separate collection of KBW, or compost it at source, will only be mandatory from 2024.

Again, as with MBT, Slovakia has introduced a new obligation without a detailed mapping of the capacity to treat kitchen biological waste and has addressed rather partial issues such as the size and types of collection containers.

The main problem with the established collection of KBW is the lack of processing capacity, such as waste biogas plants, and separate collection of KBW is in itself questionable from the point of view of environmental impacts. The strongest argument used in the rapid promotion of this legislative amendment, i.e. the use of the resulting component of KBW treatment in the form of digestate or compost for the originally intended purpose of "returning nutrients to the soil", also remains a big question mark.

Minimal neglect of the collection, pre-treatment (cleaning, sanitisation) and treatment of this type of waste can result in the introduction of a high proportion of microplastics, pathogens and other pollutants into the soil, which in turn can tend to dry out the agricultural soil and reduce its value.

It is therefore extremely important, including in the whole of Slovakia, to set clear rules for the management of KBW that will not promote the degradation of fertile soils, but will preserve and support their development in order to maintain the quality of Slovak food for future generations.

AWI SR has the following reservations about the KBW collection system set up in Slovakia:

- in developed European countries, ventilated bins are hardly used. Preference is given to bins without modifications (without ventilation) and of brown colour only. Smaller volumes of unmodified bins and a flexible frequency of collection as needed or based on experience are preferred,
- the use of compostable bags may cause more plastic waste to be present in biodegradable waste. Most residents will not look at the parameters of the bags, as the price will be important for them. At the same time, in some municipalities (e.g. Germany and Austria), the use of compostable bags is even banned, due to the complications it causes for subsequent treatment,
- in countries where biodegradable waste is primarily used for the production of high quality compost, only plant-based KBW is collected for this purpose. On the contrary, in Slovakia, general collection of KBW, including the animal component, is preferred, which complicates subsequent treatment in composting plants and may also affect the quality of the final product (compost).

### **Article III.**

#### **Extended Producer Responsibility for Packaging and Non-Packaging Products**

Sorted collection based on the principle of extended producer responsibility works. However, it needs some systemic changes in terms of funding and strengthening "shared" responsibility.

Too many Producer Responsibility Organisations (PRO) and insufficient control by government authorities in a small market means price pressure. Normally, such a market

environment would be fine, but in the case of sorted waste, competition produces exactly the opposite effect. Dumping prices means less money in the system, i.e. less money for waste collection and less recycling.

Compared to developed countries, we do not have properly set basic incentives. Instead of key collection and recycling targets, it is population counts that are monitored, leading to tens to hundreds of municipalities moving between PROs each year. At the end of the day, the system is unstable at the level of collection and cooperation with municipalities. The alarming state of sorted waste recycling requires proven solutions, not quick fixes. However, instead of solving the problems with PROs, more support is given to bureaucracy and restrictions, which do not lead to an improvement of the situation, quite the opposite. Increasing the administrative burden on collection companies and confirming with recyclers that waste is not recyclable is not a systemic step.

AWI SR hereby declares the need for:

- setting the right system incentives, i.e. targets and limits, and removing barriers to meeting them,
- the introduction of a system of so-called shared infrastructure, proven abroad, under which there are no shifts of municipalities between PROs and the costs of collection are fairly distributed according to the market shares of PROs among all municipalities, thus guaranteeing the stability of the system at the level of collection and municipalities,
- introduction of the principle of ecomodulation according to the best proven models abroad, which will lead to a disadvantage of difficult to recycle materials and at the same time provide resources for the management of waste that is difficult to recycle, but it is necessary to set up this mechanism at the state level so that this principle does not become a tool of competition in today's "fierce price competition of PROs" and, on the contrary, does not lead to a shortage of financial resources in the system,
- significant support for the development of facilities for the material recovery of sorted municipal waste components,
- rigorous control of freeriders (entities beyond the extended producer responsibility) and PROs,
- abolishing exemptions for producers and, in particular, the public administration, so that the system is fair and can generate sufficient funds. If the PRO system is to finance all waste generated, all producers whose waste has the potential to end up in separate collection must contribute to the system,
- abolish unregulated trading in receipts.

#### **Article IV. Hazardous Waste**

The capacities of hazardous waste treatment facilities are not sufficient to cover the demand in the long term, which is also due to the significant development of the automotive industry. The gradual reduction of old landfills and the failure to create new capacity is putting significant pressure on the prices for the disposal of such waste to rise rapidly.

This leads to ways being found to circumvent the system. Instead of ending up in a managed hazardous waste landfill, where its environmental impact would actually be minimised, such material ends up in a conventional landfill or a municipal sewage treatment plant after reclassification.

AWI SR hereby draws attention to the fact that there are no facilities for energy recovery of hazardous waste in Slovakia, which can realistically recover hazardous waste. Apart from micro-facilities designed mainly for hospital waste, there is only one facility in Slovakia with a capacity that is absolutely insufficient for the needs of the Slovak industry.

In 5-10 years the situation with hazardous waste treatment in Slovakia will be critical. There are already some signs that a crisis is already occurring in many regions because of the growth of so-called hazardous waste "tourism". Many companies from eastern and central Slovakia take such waste to the west of the country and some larger companies even abroad.

Slovakia's lack of interest in addressing this issue is also reflected in the currently approved draft of the 2021-2025 Environmental Impact Assessment (EIA), which completely lacks an assessment of the management of hazardous waste in relation to asbestos-containing waste, liquid waste, contaminated soils and hospital waste.

AWI SR, by means of this declaration, calls on the Ministry of the Environment to urgently prepare a detailed study of the treatment capacities of hazardous waste management facilities in Slovakia. It also calls for the development of an action plan for the management of solid and liquid hazardous waste which would support the establishment of regional centres for the disposal or treatment of hazardous waste in the form of energy recovery facilities at national level.

#### **Article V. Environmental Impact Assessment**

Act No. 24/2006 Coll. on Environmental Impact Assessment and on amendment and supplements to certain acts, as amended, guarantees the public the right to directly influence the process in which interventions in nature and the environment are permitted. AWI SR sees public activity in environmental protection as indispensable and necessary in the EIA process. In Slovakia, unfortunately, the EIA process with the possibility of public participation has reached a dead end with the arrival of Marcel Slávik from the Association of Housing Governments.

However, it is not only Marcel Slávik and his Association that use their legal right to influence public affairs in the manner provided by law. Many other associations, as well as individuals, enter into a number of administrative procedures regardless of their relationship to the site in question, regardless of their knowledge of the local context and the specific project issue, and regardless of their own professional background. In many cases, they act as deliberate "decelerators" of the EIA process, while the indications do not lead to professional or societal interests, but to political marketing or competitive lobbying.

The long-standing inability of state authorities to eliminate such "decelerators" impacts within the EIA process has significantly eroded the confidence in public authorities, investors and the public itself in the activities of the conservation community.

In the process of assessing impacts on the environment, AWI SR proposes:

- accelerate, simplify and shorten the assessment process,
- strengthen all branches of government in the field of EIA,
- mandatory assessment to be carried out only for constructions, facilities or activities that will have an objectively adverse effect on the environment,
- accept only professionally justified opinions/requests of the entities in the procedure,
- reconsider, in line with European legislation, the possibilities for so-called decelerators to appeal against an assessment decision.

#### **Article VI. Environmental Burdens**

There are currently approximately 30,000 environmental burdens in Slovakia and of these, approximately 1,500 pose a serious threat to human health. These include the remains of former industrial plants, old landfills, former large-scale agricultural cooperatives, etc. After their transformation in the 1990s, they fell into private hands.

However, the new owners were unwilling or unable to deal with, for example, warehouses full of chemical products that no customer was interested in. The state, which used to own them, now declares its willingness to address these burdens. The currently valid Government Programme Statement on Environmental Burdens defines three basic areas with the highest priority for solutions:

- stop further pollution of the groundwater of Žitný ostrov (Vrakuňa landfill and other sources of pollution from Bratislava),
- dispose of PCB substances, heavy metals and carry out the remediation of the adjacent territory in eastern Slovakia, in the vicinity of Strážske and the Poša tailings and tar ponds in the Predajná area,
- the remediation plan for other environmental burdens will be guided by the principle of value for money.

Despite the increased attention paid to this issue in recent years, it has not yet been possible to eliminate most of this dangerous and health-threatening legacy of past industrial, military, mining, transport or agricultural activities on the territory of the Slovak Republic.

AWI SR therefore agrees with the statement of the Public Defender of Rights, who stated the following on the situation of environmental burdens in the Slovak Republic: "*...in this case it is a purely political commitment of the government, which speaks only of a commitment ...to make every effort to remove environmental burdens, and not of a commitment to actually remove these burdens in a specific time.*"

#### **Article VI. Transparent and Professional Changes to Legislation**

With this declaration, AWI SR asks for:

- establishment of an expert group, with the participation of both domestic and foreign experts in waste management, whose task will be to set up a long-term waste management strategy under the authority of the Minister of the Environment,
- launching an open expert debate on conceptual solutions in the field of waste management through a think-tank at the level of the Minister of the Environment,
- a fundamental reassessment of existing solutions in waste management, e.g. also in the form of a rather broadly conceived Waste Management Programme for 2021-2025,
- preparation of legislation in a "single package", i.e. laws together with the relevant decrees. At present, these are still delayed and have not been passed even months after the laws were adopted, often making the laws unenforceable.

In Bratislava, on June 1st, 2022

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